

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LUVATA BUFFALO, INC., et al.,

Plaintiffs,

v.

ORDER
08-CV-701

MOL MITSUI O.S.K. LINES, LTD., et al.,

Defendants.

This case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1). Defendants filed a motion to dismiss the amended complaint. On July 28, 2010, Magistrate Judge McCarthy filed a Report and Recommendation, recommending that defendants' motion to dismiss be granted in part and denied in part. Defendants filed objections to the Report and Recommendation on September 16, 2010 and plaintiffs filed a response thereto. The Court has deemed oral argument unnecessary pursuant to Fed. R. Civ. P. 78(b).

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, defendants' motion to dismiss is granted in part and denied in part.

The case is referred back to Magistrate Judge McCarthy for further proceedings.

SO ORDERED.

s/ Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: February 10, 2011